IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22781 of 2004

Between:

1 Pinnamaneni Sambasiva Rao, S/o. Late Suraiah, Hindu,
Takkellapadu Co-operative House Buildings Society Limited, R/o.

Takkellapaddu Village, Peddakakani Mandal, Guntur District.

2. Bollu Ajay Kishore, S/o.late Venkateshwar Rao, Age:52 Yrs., Vice President of the Society, R/o.3rd line, Seetharamnagar, Guntur.

3. Byrapuneni Narsimha Rao, S/o.late Venkatapaiah, Age:65 Yrs., Member of the Society, R/o.Takkellapadu village, Peddakanki Mandal, Guntur District.

4. Pinnamaneni Sowbhagya Rao, S/o.late Suraiah, Age:49 Yrs., Member of the Society, R/o.Takkellapadu Village, Peddakanki Mandal, Guntur District.

(Petitioners 2 to 4 are impleaded as per orders in W.P.M.P.No.30289 of 2004, dated 13-12-2004)

..... PETITIONERS

AND

Deputy Registrar of Co-Operative Societies, Guntur District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, especially one in the nature of WRIT OF MANDAMUS declaring the action of the Tribunal in not granting the interim orders pending the O.A.No. 133/2004 on the file of Co-operative Tribunal at

Vijayawada as improper under the circumstances of the case and consequently direct the Tribunal to hear and decide the interim application expeditiously.

Counsel for the Petitioners: MR.K.V.BHANU PRASAD

Counsel for the Respondent : GP FOR COOPERATION

The Court at the stage of admission made the following ORDER:

The petitioners are the members of the Managing Committee of Takkelapadu Co-operative House Building Society Limited. The respondent superseded the Managing Committee through his order dated 19-11-2004. Aggrieved thereby, the petitioners filed O.A.No.133 of 2004 before the Andhra Pradesh Co-operative Tribunal, Vijayawada, together with an application for grant of stay. It is represented that at present the Tribunal is without Chairman and no orders could be passed in the I.A. filed for interim orders. They seek appropriate directions in this regard.

Heard learned counsel for the petitioners and learned Government Pleader for Co-operation.

The limited relief claimed by the petitioners is as to their continuance, pending disposal of O.A.No.133 of 2004. The petitioners were constrained to approach this Court because of the fact that the Co-operative Tribunal is said to be without Chairman. On account of the absence of an incumbent in the Tribunal, the parties cannot be made to suffer.

A perusal of the order of supersession, *prima facie*, discloses that the only allegation made against the petitioners is as to their failure to submit certain statements within time. Further, the respondent refused to furnish certain statements said to have been recorded by the Enquiry Officer. There are no allegations of misappropriation against the petitioners. It is not at all advisable to supersede an elected body, except where grave charges exist.

Hence, the writ petition is disposed of directing that the order of supersession shall stand suspended till the Co-operative Tribunal passes an appropriate order, either on the application for stay or till the expiry of the term, whichever is earlier. No order as to costs.

13-12-2004

Note: Issue C.C. by thre days.

(B/o)

kdl

To

1. The Presiding Officer, Andhra Pradesh Co-operative Tribunal,

Vijayawada.

2. Deputy Registrar of Co-Operative Societies, Guntur District.

3. Two C.Cs. to the Government Pleader for Co-operation,

High Court Buildings, A.P., Hyderabad, (OUT).

4. Two C.D. Copies.